

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

GARY BUNNELL and
KIM BUNNELL,

Plaintiffs,

v.

Case No. 20-cv-00033

VILLAGE OF SHIOCTON and
RICHARD KOMINOWSKI,

Defendants.

NOTICE OF REMOVAL

TO: Plaintiffs Gary and Kim Bunnell
c/o Attorney Richard J. Carlson
Town Counsel Law & Litigation, LLC
119 N. McCarthy Road, Suite C
Appleton, WI 54913

PLEASE TAKE NOTICE that Defendants, Village of Shiocton and Richard Kominowski, by their undersigned attorneys, petition for removal of the above-captioned case and state as follows:

1. On December 18, 2019, Plaintiffs, Gary and Kim Bunnell, filed a civil action designated as Case No. 19CV1276 in the circuit court, Outagamie County, State of Wisconsin against the above-named Defendants.
2. Plaintiffs served Defendants with the Summons and Complaint on December 20, 2019.
3. Attorneys Lori M. Lubinsky and Kristin Renee Pierre of the law firm of Axley Brynelson, LLP have been retained to represent Defendants Village of Shiocton and Richard Kominowski in Outagamie County Case No. 19CV1276.

4. In the Complaint now pending in Outagamie County Case No. 19CV1276, Plaintiffs assert claims under 42 U.S.C. § 1983 arising out of alleged violations of the United States Constitution, including claims under the Fifth and Fourteenth Amendments. (Compl. ¶¶ 1-23.)

5. As a result of the allegations in the Complaint, Outagamie County Case No. 19CV1276 is a civil action in which the United States District Court for the Eastern District of Wisconsin has original jurisdiction under 28 U.S.C. § 1331 in that federal question jurisdiction exists because Plaintiffs' Complaint asserts claims under the laws of the United States.

6. Removal of this action is timely in that less than thirty (30) days have passed since Defendants were served with a copy of the Complaint first asserting a claim subject to removal. 28 U.S.C. § 1446(b).

7. Defendants consent to the removal of this action from Outagamie County Circuit Court to the United States District Court for the Eastern District of Wisconsin, Green Bay Division.

8. Attached hereto as Exhibit 1 is a copy of the Summons and Complaint filed in Outagamie County Case No. 19CV1276.

9. By copy of this Notice, Defendants have given notice to Plaintiffs and will promptly file a copy of this Notice of Removal with the Clerk of Court, Outagamie County, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Village of Shiocton and Richard Kominowski respectfully request that Outagamie County Case No. 19CV1276 be removed from the circuit court, Outagamie County, Wisconsin, into the United States District Court for the Eastern District of Wisconsin, Green Bay Division for trial and determination.

Dated this 8th day of January, 2020.

s/ Kristin Renee Pierre

Attorneys for Defendants,
Village of Shiocton and Richard Kominowski
AXLEY BRYNELSON, LLP
P.O. Box 1767
Madison, WI 53701-1767
Telephone: (608) 257-5661
Fax: (608) 257-5444
Email: llubinsky@axley.com
kpierre@axley.com